

1 which is a precisely zeroed position stencil to cut
2 it out of its new size with no further operation by
3 the user.

4 Q. So what steps would you have to do in order
5 to invoke this stencil capability that you just
6 mentioned?

7 A. In the menu, you simply have to -- when you
8 are applying the cut feature to recut your small,
9 newly sized cutout, you simply invoke the use
10 stencil feature.

11 Q. Do you recall what precise menu choices you
12 have to invoke to do that? I'm talking about NAB
13 '82 now.

14 A. Well, I've basically already described
15 that. In the paste section we are pasting, and we
16 are then sticking. These are panels in the menu,
17 paste and stick. Within select use stencil, we
18 select cut, and we define an area with a stylus that
19 we want to include. If I'm saying use stencil, the
20 area that you've defined with the stylus will only,
21 in fact, cut the area defined by the stencil. If
22 that sounds model, I'm sorry, but it's terribly
23 straightforward when you're using it.

24 Q. Do you recall whether at NAB '82 you

1 demonstrated the operation that we've just been
2 talking about, namely cutting out something from a
3 picture, reducing it, pasting it in, and then
4 recutting out the reduced-sized version of it and
5 saving it; was that step of operations demonstrated
6 at NAB '82?

7 A. Endlessly, yes. Every day, all day.

8 Q. What do you recall? Do you recall the
9 specific demonstration?

10 A. Well, I recall the ball bearing, you know,
11 the idiot ball bearing demonstration which we used
12 on the hourly show. I would have used in the
13 intervening periods, when talking to, in seminar, if
14 you'd like, to customers or potential customers, I
15 would have used maybe images that I had already
16 previously stored in the system or maybe live feed
17 from a camera which we had on the booth taking
18 pictures of the crowd, and so on.

19 Q. Using the ball bearing as an example, are
20 you saying that you actually demonstrated saving a
21 reduced-sized ball bearing?

22 A. Absolutely, yes.

23 Q. What would be the purpose of demonstrating
24 that capability?

MARTIN A. HOLBROOK March 10, 2006

1 Q. Isn't the full-sized version the best
2 quality version available?

3 MR. SUMMERSGILL: Objection.

4 A. No, because the video quality remains the
5 same throughout.

6 Q. Don't you lose information when you reduce
7 the size of the image?

8 A. This is probably verge go on the technical
9 again. The image, as it's created, using various
10 elements, will always have the resolution, if you
11 want to use that word, or the quality of the system
12 of television.

13 Q. It place before you a document previously
14 marked as Taylor Exhibit 13. Do you recognize this
15 document?

16 A. Yes, I recognize it.

17 Q. What is it?

18 A. This is the Paint Box user guide.

19 Q. Is this the document you mentioned you had
20 reviewed prior to this deposition?

21 A. It is, yes.

22 Q. On the second page there's a note that
23 says, "This guide is correct at January, 1983." Do
24 you know whether there was an earlier version of a

1 Paint Box user guide prior to January, 1983?

2 A. This is the Paint Box user guide written by
3 me. I worked on this document. We started on this
4 document after NAB '82.

5 Q. So is this the first version?

6 A. This is the first version.

7 Q. Earlier in Exhibit 1 there was a reference
8 to the weather channel being the first customer; do
9 you recall that?

10 A. Yes.

11 Q. Do you know when they actually received
12 delivery of their device, their Paint Box?

13 A. I believe it was -- I believe it was
14 actually after NAB. I think the order was before,
15 but I couldn't precisely tell you without the
16 documents.

17 Q. Well, was there any sort of a user guide or
18 similar document provided to them when they first
19 got delivery of the Paint Box?

20 MR. SUMMERSGILL: Objection.

21 A. If there was, I'm not aware of it.

22 Q. Do you know when this document would have
23 first been disseminated to anyone outside of
24 Quantel?

MARTIN A. HOLBROOK March 10, 2006

1 AFTERNOON SESSION

2 BY MR. BEAMER:

3 Q. Good afternoon, Mr. Holbrook.

4 A. Good afternoon.

5 Q. Are you being compensated for your
6 appearance here today in any way?

7 A. Financially?

8 Q. Excuse me?

9 A. Do you mean financially?

10 Q. Yes.

11 A. No, I'm not.

12 Q. In any other way?

13 A. No. Regrettably no.

14 Q. You have no arrangement with Kodak or its
15 counsel for consulting services or anything of that
16 nature? *

17 A. Nothing of that nature.

18 Q. Do you have any understanding of whether
19 you might be called to testify at the trial in
20 December in this matter?21 MR. SUMMERSGILL: Objection to the extent
22 that you're calling for communications with us and
23 Mr. Holbrook. You can answer that question, but I
24 caution you not to get into discussions between

1 Q. For your shorter hourly demos, did you
2 demonstrate the browsing of cutouts?

3 A. Oh, yes, most certainly.

4 Q. Did you demonstrate the saving of
5 reduced-sized cutouts?

6 A. Yes. It was a sequence. You reduced the
7 size, you make it a cutout, you store it to the
8 disk, you can retrieve it by the browse or title.

9 All of that was demonstrated.

10 Q. But you can't recall the specific nature of
11 the demo as to what image was being reduced or
12 saved; is that correct? I'm talking now about the
13 hourly demo.

14 MR. SUMMERSGILL: Objection.

15 A. I mean, for the short demo, the hourly demo
16 we are talking, almost certainly the ball bearing
17 image.

18 Q. So you're saying you saved the
19 reduced-sized ball bearing after you created the
20 image of the ball bearings orbiting one another?

21 A. As a demonstration piece, yes.

22 Q. In general, the term storing cutouts or
23 retrieving cutouts or browsing cutouts, that's not
24 necessarily referring to reduced-sized images, is

REDACTED

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AMPEX CORPORATION.

Plaintiff,

V.

C.A. No. 04-1373 (KAJ)

EASTMAN KODAK COMPANY,
ALTEK CORPORATION, and
CHINON INDUSTRIES, INC..

Defendants.

INITIAL EXPERT REPORT OF RICHARD JOHN TAYLOR

I. Introduction

1. I have been retained as an expert in this litigation by counsel for Defendants, Eastman Kodak Company ("Kodak") and Altek Corporation ("Altek").
 2. I understand that Plaintiff Ampex Corporation ("Ampex") filed this lawsuit in October 2004 alleging infringement by Defendants of U.S. Patent No. 4,821,121 (the "'121 patent").
 3. In this report, I have been asked to summarize my expert opinion concerning whether the asserted claims (7, 8, 10-15) of the '121 patent are valid. I have also been asked to summarize my expert opinion concerning whether undisclosed prior art in Ampex's possession was cumulative to the information before the United States Patent and Trademark Office ("USPTO").

CONTAINS CONFIDENTIAL INFORMATION SUBJECT TO PROTECTIVE ORDER

opinion that a combination of the DLS 6030 with the Paint Box would render the asserted claims obvious.

4. Combination with the AVA

169. To the extent that Ampex argues that the DLS 6030 cannot meet the elements of the asserted claims, it would also have been obvious to one skilled in the art to combine the DLS 6030 with the Ampex AVA system to meet the elements of the asserted claims. As discussed above, it was common to use graphic systems with electronic still stores in order to add greater storage capacity. At Quantel, we used the DLS with the Paint Box for this purpose.

REDACTED

To the extent a claim construction is adopted under which the DLS 6030 does not meet all of the elements of the asserted claims, it is my opinion that a combination of the DLS system with the AVA would render the asserted claims obvious.

D. The Paint Box User Guide

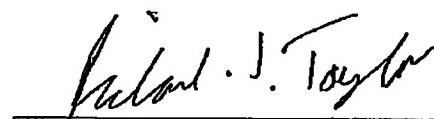
1. Overview

170. The Paint Box User Guide is dated January 1983. It was released and distributed publicly to Paint Box customers beginning in January 1983. As a result, I understand that the Paint Box User Guide is prior art to the '121 patent.

171. The Paint Box User Guide is the user guide for the Paint Box system that was developed between 1981 and 1982 and first sold in the United States to The Weather Channel in March 1982.

CONTAINS CONFIDENTIAL INFORMATION SUBJECT TO PROTECTIVE ORDER

210. I reserve the right to revise, supplement or amend my opinions in light of any additional information that I might receive after the date of this report including, but not limited to, rebuttal reports submitted by Ampex.



Richard J. Taylor
Richard John Taylor

Dated: March 24, 2006

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

VOLUME: I

PAGES: 1-146

EXHIBITS: 40-52

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMPEX CORPORATION,

Plaintiff,

v.

Civil Action

EASTMAN KODAK COMPANY, ALTEK

No. 04-1373-KAJ

CORPORATION and CHINON

INDUSTRIES, INC.

Defendants.

x

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VIDEOTAPED DEPOSITION of RICHARD J. TAYLOR

April 28, 2006

9:38 a.m.

Ropes & Gray LLP

One International Place

Boston, Massachusetts

Reporter: Michael D. O'Connor, RPR

B-116



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RICHARD J. TAYLOR April 28, 2006

11:08:30 1 the notion of saving a reduced-size image. I see
11:08:33 2 many other aspects of cut and paste, but not that
11:08:35 3 one. So I'm asking you whether you could point out
11:08:38 4 --
11:08:39 5 A. It's implicit through the whole document.
11:08:41 6 Q. Okay.
11:08:46 7 MR. BEAMER: The next document referred to
11:08:49 8 is EKC 001018471 to 83, and I would ask the reporter
11:09:00 9 to mark that as the next exhibit. I've
11:09:03 10 inadvertently copied a note that I made, and so I
11:09:05 11 attempted to cross that out. There's nothing too
11:09:12 12 secret about it, but I crossed it out because it's
11:09:17 13 not part of the original document.
14 (Document marked as Exhibit 48
11:09:35 15 for identification)
11:09:49 16 Q. Could you identify Exhibit 48?
11:10:50 17 A. This is a draft of the marketing document
11:10:53 18 which was either a brochure or the basis of an
11:10:57 19 article, and I'm not sure which.
11:11:01 20 Q. There is a handwritten date 10/3/82. Is
11:11:14 21 that the date of this report?
11:11:15 22 A. This is an English document, so that's an
11:11:17 23 English date. So that would be the tenth of March,
11:11:25 24 1982.

Richard J. Taylor

04/28/2006

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1 CERTIFICATE

2 Commonwealth of Massachusetts
3 Suffolk, ss.4
5 I, Michael D. O'Connor, Registered Professional
6 Reporter and Notary Public in and for the
7 Commonwealth of Massachusetts, do hereby certify
8 that RICHARD J. TAYLOR, the witness whose deposition
9 is hereinbefore set forth, was duly sworn by me and
10 that such deposition is a true record of the
11 testimony given by the witness.12 I further certify that I am neither related to
13 or employed by any of the parties in or counsel to
14 this action, nor am I financially interested in the
15 outcome of this action.16 In witness whereof, I have hereunto set my hand
17 and seal this 28th day of April, 2006.18
19 
20 Notary Public21
22
23 My commission expires
24 November 7, 2008

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF DELAWARE

4 -----x
5 AMPEX CORPORATION,

6 Plaintiff,

7 -against- C.A. No.
8 EASTMAN KODAK COMPANY, ALTEK
9 CORPORATION and CHINON INDUSTRIES,
10 INC.,

Defendants.

**CERTIFIED ORIGINAL
LEGALINK BOSTON**

11 -----x
12 May 3, 2006
13 9:08 a.m.

14 Videotaped Deposition of ALAN
15 CAVALLERANO, taken by Defendants,
16 pursuant to Notice, at the offices of
17 Wilmer Cutler Pickering Hale and Dorr
18 LLP, 399 Park Avenue, New York, New
19 York, before ERIC J. FINZ, a Shorthand
20 Reporter and Notary Public within and
21 for the State of New York.

22
23
24
25

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56:28 1 ALAN CAVALLERANO

11:56:36 2 less relevant, because I don't know in
11:56:38 3 what particular area of relevancy. I
11:56:43 4 think both products are products that
11:56:48 5 are related to the patent, and I'm
11:56:54 6 citing that the 6000 is exactly a still
11:56:57 7 store device. And that's why I was
11:56:59 8 specifically citing that product.

11:57:02 9 Q. Do you think the Quantel
11:57:04 10 Paint Box browse should have been
11:57:06 11 disclosed to the Patent Office during
11:57:07 12 prosecution of the '121 patent?

11:57:08 13 MR. BEAMER: Objection;
11:57:11 14 vague and indefinite, overly broad.

11:57:14 15 A. Well, I think that the Paint
11:57:18 16 Box browse indeed, we've already
11:57:23 17 established it's prior art to the '121
11:57:27 18 patent. And in fact it's essentially,
11:57:30 19 it has the capabilities of figure 18
11:57:34 20 and 19 in the Taylor patent. And
11:57:37 21 therefore a product that was already
11:57:40 22 considered during the prosecution of
11:57:43 23 the '121 patent, because it was a
11:57:51 24 product that was -- a product that was
.. 25 already, its operations were already

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31:32 1 ALAN CAVALLERANO
14:31:35 2 expect that I would feel comfortable
14:31:37 3 qualifying myself as such.
14:31:41 4 Q. Do you agree that
14:31:43 5 Mr. Taylor is an expert on the Quantel
14:31:44 6 Paint Box?
14:31:44 7 A. Yes.
14:31:45 8 MR. BEAMER: Objection;
14:31:48 9 calls for speculation.
14:31:50 10 Q. Sir, I want to ask you some
14:31:54 11 questions about the Paint Box system as
14:31:57 12 sold and demonstrated in March, April
14:32:00 13 '82, that's the subject of Mr. Taylor's
14:32:03 14 expert report. You are familiar with
14:32:03 15 that report?
14:32:04 16 A. Yes, I am.
14:32:09 17 Q. Would you agree that the
14:32:11 18 Paint Box could receive the video from
14:32:12 19 an external source?
14:32:13 20 A. Yes.
14:32:17 21 Q. Do you agree that the Paint
14:32:18 22 Box could receive video data
14:32:21 23 representing full size images?
14:32:22 24 A. Yes.
14:32:25 25 Q. Do you agree that the Paint

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32:25 1 **ALAN CAVALLERANO**

14:32:28 2 **Box had multiple frame stores?**

14:32:32 3 A. Yes. I know that there were
14:32:34 4 multiple frame stores, yes, that's
14:32:34 5 correct.

14:32:36 6 Q. **And those frame stores were**
14:32:38 7 **implemented with random access memory;**
14:32:39 8 **correct?**

14:32:41 9 A. Yes, that would be typical
14:32:44 10 that a frame store would be implemented
14:32:45 11 that way.

14:32:46 12 Q. **And do you agree that**
14:32:48 13 **either of those frame stores could**
14:32:50 14 **store a full size image?**

14:32:52 15 A. Yes.

14:32:54 16 Q. **Do you agree that the Paint**
14:32:56 17 **Box had at least one disk?**

14:32:58 18 A. Yes, I'm aware of that.

14:33:00 19 Q. **And the disk could store**
14:33:01 20 **video images?**

14:33:03 21 A. Yes, I'm aware of that.

14:33:05 22 Q. **It could store full size**
14:33:07 23 **video images?**

14:33:09 24 A. Yes, it could store full
14:33:09 25 size images.

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34:31 1 ALAN CAVALLERANO
14:34:37 2 then reside as one composite image.

14:34:39 3 That much I am aware of, yeah.

14:34:41 4 Q. Let's put aside for a
14:34:42 5 moment what happens when you stick the
14:34:47 6 image down. We will get to that. Do
14:34:51 7 you agree that the Paint Box could
14:34:55 8 generate reduced size images?

14:34:56 9 MR. BEAMER: Asked and
14:34:56 10 answered.

14:34:59 11 A. Yes, as I stated, that's
14:34:59 12 correct.

? 35:01 13 Q. Do you agree that the Paint
14:35:03 14 Box could automatically generate
14:35:05 15 reduced size images?

14:35:06 16 MR. BEAMER: Objection;
14:35:07 17 vague.

14:35:11 18 A. Well, automatically, under
14:35:13 19 control of a user going through a
14:35:17 20 series of steps.

14:35:19 21 Q. Well, if the Paint Box
14:35:22 22 browse were used to browse full size
14:35:27 23 images stored on disk, didn't that
14:35:29 24 browse feature automatically generate
25 reduced size images?

36:58 1 ALAN CAVALLERANO

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14:37:03 2 Quantel Paint Box, when it browsed full
14:37:05 3 size images stored on disk, would
14:37:07 4 automatically generate reduced size
14:37:09 5 images; correct?

14:37:10 6 MR. BEAMER: Asked and
14:37:14 7 answered.

14:37:15 8 A. Yes. And that in fact would
14:37:21 9 be what a normal browse for a, let's
14:37:23 10 say for a still store, that would be
14:37:27 11 the normal mode of browsing. You would
14:37:30 12 invoke the browse and then that would
14:37:30 13 occur.

14:37:32 14 Q. So we both agree that the
14:37:34 15 Paint Box could automatically generate
14:37:36 16 reduced size images; correct?

14:37:37 17 MR. BEAMER: Asked and
14:37:38 18 answered.

14:37:40 19 A. Yes. As I stated, it can
14:37:43 20 reduce -- it can provide and generate
14:37:46 21 reduced size images, taking images,
14:37:49 22 full size images off the disk and
14:37:52 23 putting them into the output frame
14:37:52 24 store.

25 Q. And the Paint Box could

39:56 1 ALAN CAVALLERANO

14:39:58 2 generate a reduced size image that was
14:40:17 3 a small version of the full size image?

14:40:19 4 THE WITNESS: I'm sorry,
14:40:21 5 could you please read back the
14:40:29 6 question.

14:40:29 7 (Record read as requested.)

14:40:31 8 A. Well, as we've already
14:40:33 9 discussed for the browse screen, we
14:40:37 10 know that the full size image stored on
14:40:40 11 disk can go through the size reducer
14:40:45 12 and that that resulting reduced size
14:40:48 13 image then becomes a part of a browse
14:40:57 14 screen. And that that's a reduced size
14:40:59 15 image that the Paint Box is able to
14:41:00 16 create that way.

14:41:02 17 Q. Right. So we both agree
14:41:03 18 that the Paint Box could use its size
14:41:07 19 reducer to generate a reduced size
14:41:07 20 image; correct?

14:41:10 21 A. Yes, in the way that -- in
14:41:12 22 the way that I've described, yes.

14:41:14 23 Q. And that reduced size image
14:41:16 24 could be stored in either of the frame
14:41:25 stores; correct?

41:18 1 ALAN CAVALLERANO 207

14:41:20 2 MR. BEAMER: Objection.

14:41:29 3 A. That reduced sized image

14:41:31 4 most certainly could be stored in the

14:41:35 5 output frame store. And it's

14:41:38 6 temporarily present in the second frame

14:41:39 7 store.

14:41:43 8 Q. **And that reduced size image**
14:41:45 9 **could be stored in the random access**
14:41:47 10 **memory of the Paint Box; correct?**

14:41:49 11 A. Yes, that's correct, the
14:41:54 12 frame store is the random access
14:41:55 13 memory.

14:41:56 14 Q. **And the reduced size image**
14:41:58 15 **could be stored in one frame store**
14:42:01 16 **while a full size image was in the**
14:42:02 17 **other frame store; correct?**

14:42:03 18 MR. BEAMER: Objection;
14:42:16 19 vague.

14:42:19 20 A. When we say stored, it's
14:42:21 21 stored temporarily so that it can then
14:42:26 22 be stuck on to the output frame store.

14:42:28 23 Q. **But regardless of whether**
14:42:31 24 **in your opinion it's temporary or not,**
14:42:31 25 **you agree that the Paint Box could**

44:02 1 ALAN CAVALLERANO
14:44:04 2 anything at all can be in two separate
14:44:07 3 frame stores, nothing is necessarily
14:44:12 4 precluding that. But it's a matter of
14:44:19 5 the entire operation and how that
14:44:23 6 reduced size image got there, that's of
14:44:25 7 significance to me with regard to my
14:44:27 8 analysis of that.

14:44:29 9 Q. **But you agree, sir, do you**
14:44:31 10 **not, that the Paint Box could**
14:44:35 11 **simultaneously store one full size**
14:44:37 12 **image and one reduced size image in its**
14:44:40 13 **frame stores simultaneously; correct?**

14:44:41 14 MR. BEAMER: Asked and
14:44:42 15 answered.

14:44:43 16 MR. SUMMERSGILL: Strike
14:44:46 17 that. Because I said simultaneously
14:44:48 18 twice. Let me try it again.

14:44:49 19 THE WITNESS: Okay.

14:44:50 20 Q. **You agree, sir, do you not,**
14:44:52 21 **that the Paint Box could store a full**
14:44:55 22 **size image and a reduced size image in**
14:44:57 23 **its frame stores simultaneously;**
14:44:58 24 **correct?**

14:44:59 25 MR. BEAMER: Asked and

ALAN CAVALLERANO

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44:59 1
14:45:02 2 answered, vague.

14:45:06 3 A. As I've stated, through a
14:45:08 4 particular series of steps, it's
14:45:11 5 possible to have the reduced size image
14:45:14 6 temporarily in one frame store. And
14:45:18 7 the full size counterpart present in
14:45:22 8 the other, the display frame store.

14:45:23 9 Q. Now, do you agree that the
14:45:25 10 Paint Box could output images from disk
14:45:27 11 to its frame stores?

14:45:31 12 A. Yes.

14:45:34 13 Q. And it could output full
14:45:35 14 size images?

14:45:36 15 A. Yes, that's correct.

14:45:40 16 Q. And it could output images
14:45:43 17 from disk upon a user's command?

14:45:46 18 A. Yes, I believe that's
14:45:46 19 correct.

14:45:56 20 Q. Do you agree that the Paint
14:45:59 21 Box frame stores had input ports?

14:45:59 22 A. Yes.

14:46:01 23 Q. Do you agree that the Paint
14:46:04 24 Box frame stores had separate output
25. ports?

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56:39 1 ALAN CAVALLERANO

14:56:48 2 we know that -- I'm sorry, we were
14:56:50 3 talking about going from the disk to
14:56:52 4 the random access memory?

14:56:53 5 Q. I was asking you about the
14:56:56 6 transfer from size reducer to random
14:57:02 7 access memory.

14:57:04 8 A. Yes, we know that, as in the
14:57:12 9 case of the figure 19 in the -- I just
14:57:14 10 want to make sure, I'm just looking at
14:57:20 11 the figure. Figure 18. We know that
14:57:23 12 we have a direct transfer from -- this
14:57:25 13 is in the '776 patent, of the size
14:57:29 14 reducer to the random access memory at
14:57:30 15 the frame store, yes, that's correct.

14:57:32 16 Q. So do you agree that the
14:57:34 17 Quantel Paint Box could transfer images
14:57:38 18 directly from the size reducer to the
14:57:39 19 random access memory?

14:57:40 20 A. Yes, that's correct.

14:57:41 21 Q. And do you agree that the
14:57:43 22 Paint Box could transfer images
14:57:48 23 directly from the disk to random access
14:57:49 24 memory?

25 MR. BEAMER: Read that back,

1 00:17 1 ALAN CAVALLERANO

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15:00:18 2 that the Paint Box filter card
15:00:21 3 contained random access memory?

15:00:21 4 MR. BEAMER: Objection;
15:00:22 5 vague.

15:00:24 6 A. I believe it did. I would
15:00:27 7 need to look at the manual to be sure
15:00:31 8 that that's the type of memory that it
15:00:31 9 had.

15:00:35 10 Q. Was the transfer from disk
15:00:38 11 to the random access memory of the
15:00:41 12 filter card a direct transfer?

15:00:45 13 A. It's my understanding that
15:00:49 14 it would be.

15:00:53 15 Q. Now, the Paint Box frame
15:00:57 16 store could also output video images
15:00:59 17 for display on the Paint Box frame
15:01:00 18 store; correct?

15:01:01 19 A. Yes, that's right.

15:01:04 20 Q. The Paint Box with the use
15:01:08 21 of its combiner, could access a reduced
15:01:10 22 size image stored at one frame store
15:01:13 23 and a full size image stored at another
15:01:21 24 frame store simultaneously; correct?

25 THE WITNESS: I'm sorry,

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1 07:40 1 ALAN CAVALLERANO
15:07:44 2 access one reduced size image and one
15:07:46 3 full size image simultaneously;
15:07:54 4 correct?
15:07:56 5 A. Yes, as I would expect.
15:07:57 6 Q. And you agree --
15:07:58 7 MR. BEAMER: Are you done
15:07:59 8 with your answer?
15:08:00 9 A. As I would expect for
15:08:03 10 products of this nature, it most
15:08:05 11 certainly would be possible to have,
15:08:08 12 and I would expect, some type of a
15:08:10 13 combiner circuit that would perform
15:08:12 14 that type of an operation.
15:08:15 15 Q. So that was well known in
15:08:15 16 the art?
15:08:17 17 A. Yes, that was well known in
15:08:17 18 the art.
15:08:19 19 Q. Now, you agree that the
15:08:21 20 Paint Box had a browse feature.
15:08:24 21 A. Yes, I'm familiar with that.
15:08:25 22 Q. And you agree that the
15:08:27 23 Paint Box could store multiple reduced
15:08:31 24 size images in random access memory?
15:08:31 25 MR. BEAMER: Read that back,

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08:32 1 ALAN CAVALLERANO
15:08:42 2 please.
15:08:42 3 (Record read as requested.)
15:08:44 4 A. Yes, as we went over a
15:08:46 5 little while earlier, it was possible
15:08:49 6 to pull up full size images from the
15:08:52 7 disk, have them go through the filter
15:08:55 8 card and size reducer, and have those
15:08:59 9 reduced sized images reside in an
15:09:02 10 appropriate spot in the random access
15:09:08 11 memory, to create a browse screen.
15:09:10 12 Q. So you agree that Paint Box
15:09:12 13 could store multiple reduced size
15:09:14 14 images in random access memory;
15:09:15 15 correct?
15:09:15 16 A. Yes, that's correct.
15:09:16 17 Q. And do you also agree that
15:09:20 18 the Paint Box could display a mosaic of
15:09:31 19 reduced size images?
15:09:33 20 A. The -- well, I would call
15:09:35 21 that, what I was just describing right
15:09:38 22 now, this array of reduced size images
15:09:40 23 for the browse, that would be to one
15:09:42 24 skilled in the art, one would call that
25 a mosaic. So yes.

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09:35 1 ALAN CAVALLERANO

16:09:36 2 Q. Sir, before the break you
16:09:38 3 were describing the process by which an
16:09:41 4 operator using the Paint Box could put
16:09:45 5 a rectangle around the reduced size
16:09:47 6 image in the frame store and save only
16:09:51 7 the pixels corresponding to that image
16:09:53 8 to disk; is that correct?

16:09:59 9 A. I was referring to using the
16:10:02 10 rectangle function to select those
16:10:08 11 pixels which were from the -- which
16:10:11 12 were from the full size image which was
16:10:13 13 reduced and stuck on to the full size
16:10:16 14 image to create a new composite full
16:10:18 15 size image and using the rectangle
16:10:19 16 function for that operation, yes.

16:10:21 17 Q. When the operator places
16:10:26 18 the rectangle over the pixels that
16:10:31 19 represent the reduced size image, or
16:10:33 20 what you call part of the full size
16:10:35 21 image, only the pixels within that
16:10:38 22 rectangle are saved to disk; correct?

16:10:40 23 MR. BEAMER: Objection.

16:10:44 24 A. That's my understanding.

25 Q. So assuming that you

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10:47 1 ALAN CAVALLERANO
16:10:50 2 generated a reduced size image using
16:10:54 3 the '121 patent that started on disk,
16:10:56 4 then assuming you've taken the same
16:11:00 5 full size image and generated a reduced
16:11:02 6 size image on the Paint Box and used
16:11:05 7 the rectangle function to store the
16:11:07 8 pixels corresponding to that image to
16:11:11 9 the disk, at that point is there any
16:11:14 10 difference between the pixels of the
16:11:19 11 reduced sized image in the '121 system
16:11:22 12 disk versus the pixels of the reduced
16:11:25 13 sized image on a Paint Box disk?
16:11:26 14 MR. BEAMER: Objection;
16:11:32 15 incomplete hypothetical.
16:11:34 16 A. Well, again, if we're
16:11:37 17 focusing on strictly the pixel data and
16:11:40 18 not the process that got us there, and
16:11:45 19 if I were to also disregard the
16:11:48 20 potential that the rectangle did not
16:11:51 21 exactly register over what you're
16:11:53 22 calling the reduced sized image and
16:11:56 23 what I'm calling certain pixel values
16:11:59 24 within the full size image, there is no
25 reason for me to believe that there

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12:00 1 ALAN CAVALLERANO
16:12:03 2 would be any difference or significant
16:12:07 3 difference, other than as well what we
16:12:10 4 had already discussed about the quality
16:12:13 5 or operations within the size reducer,
16:12:15 6 as to how it actually performed that
16:12:19 7 generation of the reduced sized image.

16:12:22 8 Q. So putting aside how you --
16:12:23 9 strike that.

16:12:25 10 Putting aside how an
16:12:27 11 operator got to this point, a reduced
16:12:29 12 sized image stored on the Paint Box
16:12:32 13 disk is the same as a reduced sized
16:12:34 14 image stored on the '121 system disk;
16:12:35 15 is that correct?

16:12:36 16 MR. BEAMER: Objection;
16:12:38 17 asked and answered.

16:12:40 18 A. As I've stated, that is
16:12:45 19 correct. I would not particularly
16:12:48 20 characterize what's being stored in the
16:12:50 21 disk of the Paint Box as being a
16:12:53 22 reduced size image. But if I were to
16:12:56 23 do a comparison of that particular
16:13:00 24 cutout that's stored on the disk of the
25 Paint Box and compare it to the actual

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13:05 1 ALAN CAVALLERANO
16:13:08 2 reduced size image that would be
16:13:11 3 resulting from the '121 patent, I would
16:13:14 4 expect those pixel values to correlate.

16:13:17 5 Q. Now, you mentioned the
16:13:20 6 possibility that the operator in
16:13:23 7 placing the rectangle function over the
16:13:27 8 reduced size image could miss and
16:13:30 9 capture additional pixels. Do you
16:13:31 10 recall that?

16:13:32 11 A. Yes, that's correct.

16:13:37 12 Q. If the operator misses with
16:13:41 13 a rectangle and captures -- strike
16:13:41 14 that.

16:13:43 15 If the operator misses with
16:13:47 16 the rectangle and slices out some of
16:13:51 17 the pixels of that reduced size image
16:13:56 18 when he is storing that image to disk,
16:14:00 19 is it the same image as what's been
16:14:01 20 stored on the '121 disk?

16:14:02 21 MR. BEAMER: Objection;
16:14:14 22 vague, incomplete hypothetical.

16:14:16 23 A. I'm sorry, could you please
16:14:23 24 repeat the question?

25 Q. In paragraph 139 of your

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1 00:18 1 ALAN CAVALLERANO
17:00:20 2 Q. And the Paint Box could
17:00:25 3 reduce the size of those cutouts;
17:00:25 4 correct?
17:00:25 5 A. That's correct.
17:00:27 6 Q. And the Paint Box could
17:00:31 7 store those reduced size cutouts to
17:00:31 8 disk; correct?
17:00:34 9 MR. BEAMER: Objection.
17:00:37 10 A. The Paint Box could store
17:00:41 11 cutouts to disk.
17:00:42 12 Q. And the Paint Box could
17:00:45 13 then browse cutouts that were stored on
17:00:46 14 disk; correct?
17:00:47 15 A. Yes, that's correct.
17:00:49 16 Q. And it could browse reduced
17:00:52 17 size cutouts that were stored on disk;
17:00:53 18 correct?
17:00:54 19 A. Yes, that's my
17:01:01 20 understanding.
17:01:03 21 Well, when we say reduced
17:01:08 22 sized cutouts, though, what we're
17:01:14 23 talking about are cutouts. They are
17:01:16 24 still cutouts.
25 Q. Well, cutouts can be

01:17 1 ALAN CAVALLERANO

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17:01:19 2 reduced in size; correct?

17:01:20 3 A. Yes, it's my understanding
17:01:22 4 that you would be able to pull up a
17:01:26 5 cutout and manipulate it, for example,
17:01:28 6 reducing it in size.

17:01:33 7 Q. And after you reduce it in
17:01:36 8 size, you can store that cutout to disk
17:01:38 9 on the Paint Box; correct?

17:01:40 10 A. That's my understanding,
17:01:40 11 yes.

17:01:43 12 Q. And then using the Paint
17:01:45 13 Box browse function, you can browse
17:01:47 14 through cutouts that are stored on
17:01:48 15 disk; correct?

17:01:50 16 A. Yes, that's correct.

17:01:53 17 Q. And that's set forth in the
17:01:59 18 Paint Box manual guide; correct?

17:01:59 19 Strike that.

17:02:00 20 That's set forth in the
17:02:02 21 Paint Box user guide; correct?

17:02:04 22 A. Yes, I have reviewed that
17:02:07 23 document, I believe that -- I know that
17:02:15 24 that is correct, yes.

25 Q. And as far as you know, the

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1 12:05 1 ALAN CAVALLERANO
17:12:09 2 pulling off the amount of data for
17:12:11 3 these individual pieces.
17:12:14 4 Q. So one of the reasons the
17:12:20 5 Paint Box browse cutouts is faster than
17:12:22 6 the Paint Box browse of full size
17:12:24 7 images, is because the cutouts contain
17:12:27 8 less data than the full size images;
17:12:34 9 correct?
17:12:35 10 A. Yes. Because again, what
17:12:37 11 bogs down the system is needing to pull
17:12:39 12 off the full size image. And in fact
17:12:43 13 that's what is such a benefit of the
17:12:45 14 '121 system, where you don't need to be
17:12:47 15 able -- where you don't need to pull
17:12:50 16 off the full size image and send it
17:12:59 17 through the size reducer each time.
17:13:02 18 Q. Now, you agree that the
17:13:05 19 demonstration that Mr. Taylor showed on
17:13:08 20 his videotape could actually be done on
17:13:10 21 the Quantel Paint Box; correct?
17:13:13 22 A. I have no reason to think
17:13:17 23 that an operator couldn't set up the
17:13:23 24 steps to be able to create that -- to
25 be able to create that effect.

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14:05 1 ALAN CAVALLERANO
17:14:06 2 Q. Now, when the Paint Box
17:14:10 3 browses full size images, the operator
17:14:17 4 can then select one of the resulting
17:14:20 5 reduced size images in the browse in
17:14:22 6 order to obtain the full size image;
17:14:24 7 correct?
17:14:30 8 A. We are talking about for the
17:14:30 9 Paint Box?
17:14:33 10 Q. Yes.
17:14:35 11 A. Yes, that's correct.
17:14:44 12 Q. So in the Paint Box, when
17:14:48 13 an operator selects a reduced size
17:14:50 14 image in the browse in order to obtain
17:14:53 15 a full size image corresponding to that
17:14:57 16 reduced size image, is there a working
17:14:59 17 relationship between the browsed image
17:15:03 18 and its corresponding full sized image?
17:15:06 19 A. For that moment in time,
17:15:09 20 yes. Because the full size image went
17:15:12 21 through -- went through the size
17:15:17 22 reducer and a browse screen was
17:15:23 23 created. And then there would be a way
17:15:28 24 to go from the reduced sized image
25 that's in the browse screen to, back to

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15:30 1 ALAN CAVALLERANO
17:15:33 2 the full sized image. And of course
17:15:34 3 that's really what the prior art
17:15:36 4 systems all allowed you to do that,
17:15:40 5 otherwise the notion of browsing really
17:15:43 6 wouldn't -- it wouldn't work, because
17:15:46 7 then you wouldn't be -- you wouldn't be
17:15:47 8 browsing.

17:15:49 9 Q. Now, sir, we talked earlier
17:15:54 10 about the embodiment of, Mr. Beaulier's
17:15:56 11 embodiment of the '121 system, which
17:16:00 12 was the ESS-3 system. Do you recall
17:16:01 13 that?

17:16:10 14 A. I'm not sure when we
17:16:11 15 discussed that. Sorry.

17:16:13 16 Q. Fair enough. We may not
17:16:17 17 have used the term ESS-3.

17:16:26 18 The system designed by
17:16:28 19 Mr. Beaulier, in your expert opinion,
17:16:29 20 maintained a relationship between full
17:16:33 21 and reduced size images by assigning a
17:16:36 22 number to the reduced size image that
17:16:37 23 correlated with the number assigned to
17:16:40 24 the full size image; correct?

25 A. In a particular example, one

1 ALAN CAVALLERANO

2 C E R T I F I C A T E

3 STATE OF NEW YORK)

: ss.

4 COUNTY OF NEW YORK)

5

6 I, ERIC J. FINZ, a Shorthand
7 Reporter and Notary Public within and
8 for the State of New York, do hereby
9 certify:

10 That ALAN CAVALLERANO, the witness
11 whose deposition is hereinbefore set
12 forth, was duly sworn by me and that
13 such deposition is a true record of the
14 testimony given by the witness.

15 I further certify that I am not
16 related to any of the parties to this
17 action by blood or marriage, and that I
18 am in no way interested in the outcome
19 of this matter.

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 8 day of
22 May, 2006.

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23
24
25 ERIC J. FINZ

B-142

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2006, I electronically filed the Redacted Appendix to Defendants' Answering Brief to Plaintiff Ampex Corporation's Motion for Summary Judgment that the Quantel Paint Box is Not Prior Art Under 35 U.S.C. §102(a) and §102(b) with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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